

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ETHEL H. TAYLOR

PLAINTIFF

CAUSE NO.: 3:11-cv-00587-CWR-LRA

vs.

OTIS ELEVATOR COMPANY

DEFENDANT

MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY

Plaintiff Ethel H. Taylor files this Motion For Extension Of Time To Complete Discovery and pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure. The Defendant's offensive answers and responses in its pleadings, depositions, answers to interrogatories, Responses to Plaintiff's Request For Production of Document and utter failure to answer Plaintiff's Requests for Admission, among other issues identified herein, make it clear that Plaintiff's Motion should be granted. In support of her Motion, Plaintiff states the following:

1. Plaintiff's original Complaint was filed in the Circuit Court of Hinds County on August 18, 2011 and was subsequently removed to The United States District Court For the Southern District of Mississippi, Jackson Division on or about September 21, 2011 under Cause Number 3:11-cv-00587-CWR-LRA.

2. That since filing of her original Complaint, specifically since March 23, 2012, Plaintiff in the instant matter was diagnosed as permanently disabled by The Mississippi Department of Rehabilitation Services based upon the injuries Plaintiff sustained when the elevator she entered at Southern Farm Bureau Life Insurance Company plummeted from the 6th floor to the 2nd floor.

3. That at the time of the filing of Plaintiff's original Complaint, Plaintiff did not have

knowledge or access to the facts and documents that a settlement agreement or a medical diagnosis that addressed the full extent of the severity of her injuries had been addressed by Mississippi Workers' Compensation Commission.

4. That on May 24, 2012 Gary Jones, Esq., with Defendant's current legal representation firm, Daniel Coker Horton & Bell, P.A., P.O. Box 1084, 4400, Old Canton Road, Suite 400, Jackson, MS 39215 was identified as the mediator with regard to the mediation held between Plaintiff Ethel H. Taylor v. Southern Farm Bureau Life Insurance Company and Pacific Indemnity Company BEFORE THE MISSISSIPPI WORKERS' COMPENSATION COMMISSION MWCC NO.0809226 DATED MONDAY, AUGUST 8, 2011. (See Exhibit B, information obtained pursuant to subpoena with respect to Daniel Coker Horton & Bell Law Firm, attached hereto and incorporated by reference herein.) Defendant failed to identify in its Rule 26 disclosures that Defendant Attorney law firm had information regarding the incident alleged in Plaintiff's Complaint that it had obtained from Mississippi Workers' Compensation Commission pleadings. In fact, Plaintiff's counsel was not informed of this information until the issuance of a subpoena to the Mississippi Workers' Compensation Commission return dated May 24, 2012 that identified the Daniel Coker Horton & Bell Firm as the mediating firm.

5. That on or about May 23, 2012, Defendant's failed to produce documents requested by Plaintiff in her Request For Production of Documents, stating it would not do so without Plaintiff agreeing to executed a protective order.

6. That on or about May 23, 2012, Defendant failed to respond to Plaintiff's Request For Admissions.

7. That Defendant's conduct in failing to respond to or manipulate discovery requests

causes extreme prejudice to Plaintiff and represents good cause to extend the time for Plaintiff to designate her expert witness.

8. Defendant will not suffer any prejudice by reason of allowing Plaintiff extra time to complete discovery.

9. For all the aforementioned reasons, the Court hereby grants Plaintiff's Motion For Extension of Time to Complete Discovery and designate and expert witness.

Dated this the 5th day of June, 2012

Respectfully submitted,

/s/Martin D. Perkins

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CERTIFICATE OF SERVICE

I, Martin D. Perkins, the undersigned counsel, certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Roy A. Smith, Jr., Esq.
David B. Strickland, III, Esq.
Daniel Coker Horton and Bell, P.A.
4400 Old Canton Road, Suite 400
Post Office Box 1084
Jackson, MS 39215-1084

On this the 5th day of June, 2012.

/s/Martin D. Perkins
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